

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

<b>CRYSTAL DENISE TELLIE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>vs.</b>	)	<b>Case No. 09-CIV-332-JHP</b>
	)	
<b>HOUSTON YEAGER, Individually and in his</b>	)	
<b>Official Capacity as Sheriff of Hughes County,</b>	)	
<b>JOE CRAIG, Individually and in His Official</b>	)	
<b>Capacity as Sheriff of Seminole County,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

Rule 41(b) of the Federal Rules of Civil Procedure provides as follows:

(b) For failure of the plaintiff to prosecute **or to comply with these rules or any order of court**, a defendant may move for dismissal of an action or any claim against the defendant. Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision and any dismissal not provided for this rule, other than a dismissal for lack of jurisdiction, for improper venue, or for failure to join a party under Rule 19, operates as an adjudication upon the merits.  
(Emphasis added)

In this case the Plaintiff has failed to comply with two (2) of the Court's orders. On August 6, 2010, this Court entered a minute order striking the Plaintiff's Amended Complaint and directed her to re-file it within five (5) days of the Order making the Court's required corrections. [Doc. No. 35] As of the date of this Order, no Amended Complaint has been filed. The Court notes for the record that although the Plaintiff's attorney had filed his motion to withdraw from the litigation before the date of this Court's August 6, 2010, Order requiring the Plaintiff to file an Amended Complaint, Plaintiff's attorney had not been allowed to withdraw from the case and was still involved in the litigation.

On August 6, 2010, the Court also addressed in an Order Plaintiff's Attorney's Motion to Withdraw. This Court entered an Order requiring the Plaintiff to, within 30 days, either enter an appearance *pro se* or retain new counsel who was to file an entry of appearance. [Doc. No. 36] As of the date of this Order, the Plaintiff has neither retained new counsel nor entered an appearance *pro se*. The Plaintiff was advised in this Court's Order that if she failed to comply with the Order, the Court could impose sanctions "up to and including dismissal of her claims against the Defendants." [Doc. No. 36]

In light of the Plaintiff's failure to comply with this Court's orders, this Court dismisses this action in all respects pursuant to Federal Rule of Civil Procedure 41(b).

**IT IS SO ORDERED**, this 14th day of September, 2010.

  
James H. Payne  
United States District Judge  
Eastern District of Oklahoma